

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

PLANNED PARENTHOOD FEDERATION
OF AMERICA, INC.; PLANNED
PARENTHOOD LEAGUE OF
MASSACHUSETTS; and PLANNED
PARENTHOOD ASSOCIATION OF UTAH,

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official
capacity as SECRETARY OF THE U.S.
DEPARTMENT OF HEALTH AND
HUMAN SERVICES; U.S. DEPARTMENT
OF HEALTH AND HUMAN SERVICES;
MEHMET OZ, in his official capacity as
ADMINISTRATOR OF THE CENTERS
FOR MEDICARE & MEDICAID
SERVICES; and CENTERS FOR
MEDICARE & MEDICAID SERVICES,

Defendants.

Case No. 1:25-cv-11913-IT

PLAINTIFFS' MOTION TO CONTINUE HEARING

Pursuant to Federal Rules of Civil Procedure 6(b) and 65(b)(2) and Local Civil Rule 40.3, Plaintiffs Planned Parenthood Federation of America, Inc., Planned Parenthood League of Massachusetts, and Planned Parenthood Association of Utah (collectively, “Planned Parenthood”) respectfully move the Court for a three-day continuance of the hearing on Plaintiffs’ Emergency Motion for a Temporary Restraining Order (“TRO”) and Preliminary Injunction—from the currently scheduled date of July 21, 2025 at 11:00 AM, to July 24, 2025 (or a later date in July at the Court’s convenience)—and to extend the TRO that the Court issued on July 7, 2025, through the date of the rescheduled hearing. Alternatively, Planned Parenthood requests that the Court reschedule the hearing to July 18, 2025. Planned Parenthood regrets any inconvenience to the

Court and makes this request only because of undersigned lead counsel's unavoidable, long-planned, and out-of-state commitment in another litigation involving multiple parties and experts on July 20-22, 2025.

As grounds for this motion, Planned Parenthood states as follows:

1. On July 7, 2025, Planned Parenthood filed a Complaint for Declaratory and Injunctive Relief against Defendants Robert F. Kennedy, Jr., in his official capacity as Secretary of the U.S. Department of Health and Human Services; the U.S. Department of Health and Human Services; Mehmet Oz, in his official capacity as Administrator of the Centers for Medicare and Medicaid Services; and the Centers for Medicare and Medicaid Services (collectively, "Defendants"). *See* Doc. No. 1.

2. On July 7, 2025, Planned Parenthood filed an Emergency Motion for a TRO and Preliminary Injunction ("Emergency Motion") and memorandum to enjoin Defendants from enforcing Section 71113 of An Act to provide for reconciliation pursuant to title II of H. Con. Res. 14 ("Defund Provision"). *See* Doc. Nos. 4-5.

3. On July 7, 2025, the Court issued a TRO to remain in effect for 14 days, unless vacated, modified, or extended by the Court. *See* Doc. No. 18.

4. On July 7, 2025, the Court further ordered that Defendants shall file any opposition to Planned Parenthood's request for a preliminary injunction no later than July 14, 2025, and that the clerk shall set a hearing on the motion for the morning of July 21, 2025. *See* Doc. No. 19.

5. On July 8, 2025, a hearing was set on Planned Parenthood's Emergency Motion for July 21, 2025 at 11:00 AM in person. *See* Doc. No. 21.

6. Federal Rule of Civil Procedure 6(b) and Local Rule 40.3 provide that the Court may grant an extension or continuance request for good cause. Further, Federal Rule of Civil

Procedure 65(b)(2) provides that the Court may extend a TRO for good cause. Good cause exists to continue the hearing date and to extend the TRO through the date of the rescheduled hearing.

7. Undersigned lead counsel for Planned Parenthood who will argue at the hearing has a long pre-existing commitment for another litigation that requires him to be in California on July 21-22, 2025. This commitment has been scheduled for five weeks and involves four different parties and outside counsel, as well as multiple experts all present in California. Moreover, Planned Parenthood will suffer irreparable harm if the TRO ceases for the reasons explained in Planned Parenthood’s memorandum in support of its Emergency Motion. *See* Doc. No. 5; *see also* *Granny Goose Foods, Inc. v. Bhd. of Teamsters & Auto Truck Drivers Loc. No. 70 of Alameda Cnty.*, 415 U.S. 423, 439 (1974) (recognizing that the “underlying purpose” of a TRO is to “preserv[e] the status quo and prevent[] irreparable harm” as long as “is necessary to hold a hearing”); 11A Mary Kay Kane et al., *Temporary Restraining Orders—Duration and Modification*, Federal Practice and Procedure § 2953 (3d ed. 2023) (good cause exists to extend Rule 65 order where “grounds for originally granting the temporary restraining order continue to exist”). Planned Parenthood accordingly seeks a short (three day) extension—only enough time for lead counsel to return from California and be present in person at the hearing on July 24, 2025.

8. Alternatively, Planned Parenthood requests that the Court reschedule the hearing to July 18, 2025.

9. This is Planned Parenthood’s first motion for a continuance and for an extension of the TRO.

10. The Court’s allowance of this Motion will not cause any party undue prejudice, delay, or expense and will allow Planned Parenthood’s counsel the opportunity to appear on its behalf in the hearing regarding its request for a preliminary injunction.

11. On July 7, 2025, counsel for Planned Parenthood informed counsel for Defendants of his unavoidable conflict with the July 21 hearing date and asked for Defendants' consent to request that the Court set the hearing for July 24 (or July 25), with a commensurate extension of the TRO through the date of the hearing. The next day, July 8, counsel for Planned Parenthood renewed the request and informed counsel for Defendants that Planned Parenthood would be filing this Motion this same day. Defendants indicated in response that they "oppose any extension of the TRO and thus oppose plaintiffs' request to continue the hearing date to July 24," but indicated that they are available for a hearing on July 18, 2025, if the Court is available and if Defendants' July 14 deadline to respond to Planned Parenthood's Emergency Motion does not change.

WHEREFORE, subject of course to the Court's availability, Planned Parenthood respectfully moves the Court to continue the hearing currently set for July 21, 2025 to July 24, 2025, and to issue a commensurate extension of the TRO through the date of the rescheduled hearing. Alternatively, Planned Parenthood requests the hearing be moved to July 18, 2025.

Dated: July 8, 2025

Respectfully submitted,

/s/ Alan Schoenfeld

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**Pro hac vice application granted. Notice of appearance forthcoming.*

Counsel for Plaintiffs

LOCAL RULE 7.1 CERTIFICATE

Pursuant to Local Rule 7.1(a)(2), counsel for Plaintiffs certify that they have contacted the following individuals at the U.S. Department of Justice by electronic mail to confer and have attempted in good faith to resolve or narrow the issue of this motion:

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Dated: July 8, 2025

Respectfully submitted,

/s/ Alan Schoenfeld

Alan Schoenfeld

CERTIFICATE OF SERVICE

Counsel for Plaintiffs certify that they have submitted the foregoing document with the clerk of court for the District of Massachusetts, using the electronic case filing system of the Court. Counsel for Plaintiffs hereby certify that they have served all parties electronically or by another manner authorized by Fed. R. Civ. P. 5(b)(2).

Dated: July 8, 2025

/s/ Alan Schoenfeld

Alan Schoenfeld